

ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

JAN 14 2013

Ms. Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, New York 10007-1866

Dear Administrator Enck:

On February 8, 2008, the New York State Department of Environmental Conservation (DEC) submitted a final State Implementation Plan (SIP) revision entitled "New York State Implementation Plan for Ozone (8-Hour NAAQS) - Attainment Demonstration for Poughkeepsie, NY Area" to the United States Environmental Protection Agency (EPA).

On July 30, 2009, DEC petitioned the EPA to make a binding determination that the Poughkeepsie area had attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) based on monitoring data from 2006 through 2008. The EPA approved the clean data petition on December 7, 2009 (74 FR 63993), but did not take action on DEC's February 8, 2008 SIP submittal at that time. The Poughkeepsie area continues to monitor attainment of the 1997 ozone NAAQS.

On December 11, 2012, EPA proposed approval of the attainment demonstration portion of the February 8, 2008 submittal entitled "New York State Implementation Plan for Ozone (8-Hour NAAQS) - Attainment Demonstration for Poughkeepsie, NY Area". However, the EPA has requested additional information regarding the reasonable further progress (RFP) requirements. At this point, the RFP SIP revision serves no beneficial purpose since emissions reductions already gained locally and upwind were sufficient to attain both the 1997 and, it is important to note, the stricter 2008 ozone NAAQS. Furthermore, withdrawing the RFP portion of the February 8, 2008 SIP will not lead to any backsliding or loss of control requirements.

Since the EPA has made a clean data determination, DEC, in accordance with EPA guidance issued on May 5, 1999, is not required to submit a SIP concerning the RFP requirements. DEC hereby requests withdrawal of the RFP portion of the February 8, 2008 submittal.

Please call me at (518) 402-8540 if you have any questions.

Sincerely,

A handwritten signature in dark ink, reading "Joseph J. Martens".

Joseph J. Martens

bc: Commissioner
D. Shaw
R. Sliwinski